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Subject: OCSPP News for December 17, 2021

OCSPP Daily News Round-Up

Toxics

- Bloomberg Law 12/16; Avantor Settles Allegations It Violated EPA Regulations (1)
- Chemical Watch 12/16; California opens reporting portal for cosmetic chemicals right-to-know scheme
- CNN 12/16; Harris announces Biden administration's new lead pipe and paint removal effort
- E&E News 12/16; Biden's lead-cleanup plan targets schools, day care centers
- Inside TSCA 12/17; Risk Assessors Call For New EPA Science Policies To Advance NAMs Use
- Inside TSCA 12/16; EPA, Tech Firms Join Voluntary Program To End Toxics Use In Supply Chain
- Inside TSCA 12/16; EPA Seeks 'Meaningful' Goal As It Drops Plan To End Animal Testing By 2035
- The Hill 12/15; Environmental groups call on EPA to take stronger action on reports of falsified chemical safety assessments

Pesticides

- Bloomberg Law 12/15; EPA Inaction on Pesticide Coated Seed Regulation Draws Lawsuit
- Chemical & Engineering News 12/17; Replacing glyphosate in the garden won't be easy
- Modern Farmer 12/15; Minnesota Seeks to Add State-Specific Dicamba Pesticide Regulations
- Progressive Farmer 12/15; EPA Sued Over Seed Treatments
- Reuters 12/15; Lawsuit against EPA over pesticide-coated seeds cites honeybee die-offs

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Avantor Settles Allegations It Violated EPA Regulations (1)

Pat Rizzuto, Bloomberg Law
https://bnanews.bna.com/environment-and-energy/avantor-settles-allegations-it-violated-three-epa-regulations

Avantor Performance Materials LLC has agreed to pay $600,000 to settle EPA's allegations that the life science company failed to report its manufacture and use of more than a dozen chemicals and illegally exported mercury.

The Environmental Protection Agency's fine could have been much higher but, following agency inspections, Avantor voluntarily self-disclosed and corrected potential violations. The EPA's audit policy allows it to reduce or eliminate fines and drop criminal proceedings for self-policing, disclosure, and correction.

"The regulatory issues Avantor settled with the EPA did not involve harm to human health or the environment, and we and the EPA agreed it was in the public interest to resolve these legacy matters," said company spokesman Petro Kacur. "Avantor is committed to proper reporting and regulatory compliance."

The company agreed to settle allegations that it exported without a permit small amounts of elemental mercury to Canada, Taiwan, and India, which has been illegal since 2013.
It also agreed to settle allegations that it failed in 2015 to report 17 hazardous chemicals to the EPA's Toxics Release Inventory and that it failed to report the manufacture of 13 commercial chemicals during 2012 through 2015 at its Phillipsburg, N.J., factory.
Finally, it agreed to settle allegations that it failed to report the production of 16 chemicals during the same four years at its Paris, Ky. factory.
(Updated with Avantor's comment in third paragraph.)

California opens reporting portal for cosmetic chemicals right-to-know scheme
Julia John, Chemical Watch
https://chemicalwatch.com/393683/california-opens-reporting-portal-for-cosmetic-chemicals-right-to-know-scheme

The California Department of Public Health (CDPH) has updated the notification portal for its safe cosmetics programme to allow for submissions under the Cosmetic Fragrance and Flavor Ingredient Right to Know Act (CFFIRKA).

Signed into law in 2020, the CFFIRKA (SB 312) will require producers of personal care items sold in the state to disclose to CDPH's Division of Environmental and Occupational Disease Control (DEODC) flavour and fragrance ingredients appearing in any of 23 authoritative lists, with distinct requirements for fragrance allergens.

The mandate takes effect on 1 January, supplementing an existing one under the California Safe Cosmetics Act of 2005 (CSCA) for personal care product manufacturers to disclose ingredients known or suspected to cause cancer, birth defects or other reproductive harms.

The CDPH also released a modified reportable substances list, including those needing disclosure from next month onwards, as well as new guidance on various kinds of chemicals and their reporting timelines.

Additionally, the agency updated its FAQ resources for notification under the CFFIRKA and CSCA.

Harris announces Biden administration's new lead pipe and paint removal effort
Kevin Liptak and Kate Sullivan, CNN
https://us.cnn.com/2021/12/16/politics/white-house-lead-pipe-removal-effort/index.html

(CNN)Vice President Kamala Harris on Thursday announced a new administration push to eliminate lead from water pipes and homes in the next decade using billions in new funding allocated through the new bipartisan infrastructure law.

"Here's the truth, and it's a hard truth: Millions of people in our country, many of them children, are still exposed to lead every day," Harris said at the American Federation of Labor and Congress of Industrial Organizations in Washington.

The vice president said many parents across the country have told her they were worried "that every time they turned on the faucet to give their child a glass of water that they may be filling that glass with poison."
"The science is clear about what drinking water from a lead pipe can do to the human body," Harris said. "For adults, it can cause an increase in blood pressure and decreased kidney function. In children, it can severely harm mental and physical development. It can stunt growth, slow down learning and cause irreparable damage to the brain."

Through the administration's new Lead Pipe and Paint Action Plan, agencies will take a number of steps meant to remove the toxic metal from places where people live, work or go to school. Harris said the push would focus on communities that have "historically been left out or left behind."

The Environmental Protection Agency will begin the process of writing new regulations that would protect communities from lead in drinking water; the Department of Labor will form technical assistance hubs to fast-track removal projects with union workers; agencies will commit to removing lead service lines and paint in federally assisted housing; and a new Cabinet group will focus on lead removal in schools and child care facilities.
Harris said up to 10 million American households and 400,000 schools and child care centers could be exposed to lead through service lines or other fixtures. Low-income communities, and communities of color, are disproportionately affected.

The administration is allocating $15 billion from the bipartisan infrastructure law for lead service line replacements at the EPA through the Drinking Water State Revolving Fund. It will also allocate an additional $11.7 billion in state revolving funding, which is funding administered by a state to provide low-interest loans for investing in water and sanitation infrastructure.

The EPA will allocate $3 billion of this $15 billion to states, tribes and territories to replace lead pipes next year, Harris said. The EPA is also launching a new regulatory process to protect communities from lead in drinking water.

When the drinking water for the city of Flint, Michigan, was contaminated in 2014 it put a national spotlight on the issue of lead in drinking water. The water contamination in Flint lasted for years, and many advocates say race and poverty factored into how Flint wasn't adequately protected.

The US Department of Treasury will clarify that the $350 billion for the State and Local Fiscal Recovery Fund that was in the emergency Covid-19 relief bill, known as the American Rescue Plan, can be used to replace lead service lines as well as lead faucets and fixtures.

The EPA and Department of Labor will establish regional technical assistance hubs to help fast track lead pipe removals in coordination with labor unions and local water agencies. The Department of Housing and Urban Development will also award grants in low-income communities to remove lead paint and other home health hazards.

The administration also outlined billions of dollars in funding in the President's Build Back Better bill, which

passed the House but faces an uncertain path in the Senate, that will go toward this goal.
This story has been updated with additional information.

Biden's lead-cleanup plan targets schools, day care centers
Ariel Wittenberg and Hannah Northey, E&E News
https://www.eenews.net/articles/bidens-lead-cleanup-plan-targets-schools-day-care-centers/

The Biden administration released an action plan today that targets reducing young children's exposure to lead.

That includes establishing a partnership between EPA and the departments of Education, Health and Human Services, and Agriculture to zero in on lead remediation in schools and child care centers.

The Cabinet-level Partnership for Lead Remediation in Schools and Child Care Centers aims to achieve President Biden's commitment to reduce lead exposure in 400,000 schools and child care facilities. Its first step will be to convene joint stakeholder discussions to gather input from people affected by lead contamination at schools and child care centers, with those conversations meant to identify priorities and data gaps and aid the development of guidance specific to lead contamination in school and child care settings.

Environmental health groups for years have highlighted the fact that schools and child care centers can commonly be unseen lead contamination hot spots. For decades, utilities testing lead in drinking water, for example, were not required to ensure taps at schools were safe. That's something that will now change with the Trump-era lead and copper drinking water regulation taking effect while the Biden administration works to revamp it by 2024 (E&E Daily, Dec. 16).

The estimated 13 million children who spend at least 35 hours a week in child care settings are particularly vulnerable to lead contamination, as most states don't include any environmental health reviews in their child care center licensing regulations.

Even as lead contamination at schools and child care centers has consistently flown under the radar, targeting lead exposure to kids there could result in big gains for public health. Lead, a potent neurotoxin that affects brain function, is particularly dangerous for toddlers and young children because of their stages of development.

It could also help address environmental inequities for schools with a majority of students of color. One Government Accountability Office analysis found that schools whose student population was more than 50 percent of color and schools where 70 percent or more of students were eligible for free or reduced-price lunch had a higher frequency of "unsatisfactory environmental conditions," including lead contamination.

Vice President Kamala Harris today after unveiling the plan in Washington emphasized she's heard from parents across the country for years about their fear regarding lead. Calling it a "national emergency," Harris said children drinking from water fountains fed by lead pipes and sleeping in bedrooms coated with lead paint have resulted in more than half of U.S. children under age 6 being at risk of lead exposure (Greenwire, Sept. 29).

"Parents who were worried that every time they turned on the faucet to get their child a glass of water that they may be filling that glass with poison," she said during a speech at the AFL-CIO's headquarters. "The science is clear about what drinking water from a lead pipe can do to the human body. … For children, it could severely harm mental and physical development; it can stunt growth, slow down learning and cause irreparable damage to the brain."

One key aspect of the partnership could be unnamed actions HHS will pursue through its Office of Head Start

and Office of Child Care, while USDA will fund eligible water filtration projects at schools and child care facilities through its Community Facilities and Business programs.

HHS's Administration for Children and Families did not immediately comment when asked for more details on the plans, but it's possible those actions could build upon recommendations that EPA's Children's Health Protection Advisory Committee made to the agency in July saying it should partner with HHS's Office of Head Start "to help incorporate environmental health criteria" into the office's existing performance standards for the preschools serving low-income students.

As of 2020, only...

Risk Assessors Call For New EPA Science Policies To Advance NAMs Use
Maria Hegstad, Inside TSCA
https://insideepa.com/tsca-news/risk-assessors-call-new-epa-science-policies-advance-nams-use

Former EPA officials, state regulators and other risk assessment experts are urging EPA and other regulatory bodies to craft new science policy to guide the transition toward use of new alternate methods (NAMs) of toxicity testing that do not rely on animal tests, arguing at a recent workshop that their use will not advance without the new policies.

"We need to create policy to support the science. We're kind of where we were 40 years ago," when regulatory agencies developed policies and approaches to use rodent toxicology studies in risk assessments for human health decisions, David Dorman, professor of toxicology at North Carolina State University, said at the Dec. 9 National Academy of Sciences (NAS) workshop on NAMs.

"[P]olicies were made that these [animal studies] are relevant. That's going to be a huge challenge for us in the NAMs community."

Dorman's comment followed concerns from Vincent Cogliano, formerly chief of EPA's Integrated Risk Information System (IRIS) program and now deputy director for scientific programs at California's Office of Environmental Health Hazard Assessment, that NAMs may not be accepted as the basis for making public health decisions as animal toxicology studies are.

"What I'm concerned about is the ability to take action," Cogliano said, and he pointed to efforts to regulate chlorinated salt chemicals and the extensive industry pushback on those EPA efforts -- which were based on animal toxicology, he noted. In those instances, it has "been difficult to take results from animals and take action without a lot of argument," he said.

He warned that with NAMs, "we're going to be taking cellular-level responses and [if we want to try to] take action, that's where I'm most concerned. The results are going to be more able to degrade [into pushback] that 'These are cellular responses,' and … I don't want to see our ability to act to be degraded because we are switching lenses."

Dorman agreed, saying that "from a policy perspective, that's something we need to be concerned about."

Cogliano and Dorman were speaking at a workshop hosted by the NAS committee EPA commissioned as part of a broad push at the agency to review how best to use NAMs, partly to satisfy a mandate in the 2016 Toxic Substances Control Act (TSCA) reforms directing officials to advance NAMs and reduce animal testing where possible.

Yet a week later, the agency acknowledged that it has formally dropped its controversial Trump-era directive to largely eliminate the use of mammalian animal testing by 2035, though officials emphasized they will continue to work to advance the goals of reducing animal testing while seeking "deeper discussions" with various stakeholders to set "meaningful" deadlines for achieving its goals.

EPA speakers at the committee's first hearing last September asked the panel to focus its work in part on how NAM results may align with traditional animal data on chemicals' health effects, to help the TSCA program and other offices set "benchmarks and expectations" for their use.

Cogliano noted that over the decades of using animal data, scientists have developed "ways of determining if something happening in animals that would not translate to humans but that comes with decades of experience, what makes an animal carcinogen applicable to humans. We need to understand what makes shorter-term test relevant to humans to have confidence."

'Actionable Science'

Committee member Tracey Woodruff, a former EPA scientist who now directs the Program on Reproductive Health and the Environment at the University of California San Francisco, noted the speakers' suggestions that "actionable science" is in part determined by policy and suggested that is "highly influenced by the policy and data requirements. Is it possible to shift to thinking about making NAM results actionable?"

Cogliano replied, "what we really need is policies that reflect a consensus or agreement that we accept certain data as [showing] potential...

EPA, Tech Firms Join Voluntary Program To End Toxics Use In Supply Chain
Diana DiGangi, Inside TSCA
https://insideepa.com/tsca-news/epa-tech-firms-join-voluntary-program-end-toxics-use-supply-chain

EPA and several major tech companies have joined with an environmental group to spearhead a program aimed at reducing workers' exposure to toxic chemicals in the electronics sector's supply chain, with the first round of priority chemicals identifying substances like methylene chloride that are already subject to EPA regulation under TSCA.

Toward Zero Exposure is a program from the Clean Electronics Production Network (CEPN) that launched in August with commitments from founding companies Apple, Dell, and HP Inc.

Other companies that have since signed on include Cisco, Seagate Technology, and Intel. Participating organizations include Clean Production Action (CPA), the University of California at Berkeley, and the EPA, according to a Dec. 15 presentation from CEPN's senior director Pamela Brody-Heine.

"As Signatories, companies are members of a community of leaders who share a strong and valuable commitment to deploying the highest practices in protecting workers from hazardous process chemicals," CEPN states.

"CEPN is a global, leadership network of diverse stakeholders collaborating to reduce worker exposure to toxic chemicals in the electronics supply chain - a complex issue that no individual business, organization, or leader can solve alone," Brody-Heine's presentation notes.

CEPN's 'working goal' is to "move toward zero exposure of workers to toxic chemicals in the electronics manufacturing process."

The program's first round of priority chemicals included 1-bromopropane (1-BP), benzene, methylene chloride, methanol, n-hexane, n-methyl-pyrrolidone (NMP), tetrachloroethylene (PCE or perc), toluene, and trichloroethylene (TCE).

Of those, methylene chloride, 1-BP, perc, and TCE are all undergoing risk assessment and rulemaking under the Toxic Substances Control Act (TSCA), having been included on the reformed law's list of the first ten priority chemicals for EPA to assess.

While the Trump EPA completed evaluations of these chemicals, the Biden administration is planning to redo some of these evaluations, in part to assess risks to fence-line communities. The agency late last week also announced plans to propose and finalize risk management rules for these substances beginning in 2022.

As such, the companies' voluntary efforts to remove TSCA-regulated chemicals from their supply chains could help ease their compliance with any future EPA use restrictions, an issue which the agency and many industry groups are already struggling to address.

Each of the nine substances CEPN has identified on its priority list is a solvent used as a cleaner in electronics manufacturing, "meets CEPN's High Hazard Criteria and can be replaced by available and potentially viable safer alternatives," CEPN states.

"Priority Chemicals were selected from CEPN member companies' Manufacturing Restricted Substances Lists (MRSL) and then evaluated by the Technical Review Board and screened against the CEPN High Hazard Criteria."

The group adds, "Further rounds of priority chemicals will be identified in the future," though a spokeswoman was not immediately available to discuss additional substances that may be considered for future action.

Protect Workers

The first goal of Toward Zero Exposure is to "protect workers from exposure to Priority Chemicals in the electronics supply chain, prioritizing elimination or substitution with safer alternatives and protecting workers until that is achieved."

Other goals include collecting "data on company and supplier facility use of process chemicals to support collective mapping across supply chains," to "work with selected suppliers to join the Commitment Program to reduce worker exposure to toxic chemicals in the extended electronics supply chain," and "ensure progress towards implementing the Commitments through verification and annual reporting to workers and the public."

CEPN says Toward Zero Exposure's focus is on process chemicals, or chemicals used "during the manufacture of a product...

EPA Seeks 'Meaningful' Goal As It Drops Plan To End Animal Testing By 2035

Maria Hegstad, Inside TSCA

https://insideepa.com/tsca-news/epa-seeks-meaningful-goal-it-drops-plan-end-animal-testing-2035

EPA is acknowledging that it has formally dropped its controversial Trump-era directive to largely eliminate the use of mammalian animal testing by 2035, a move the agency suggested in its recent release of an updated "New Approach Methods (NAMs) Work Plan" from which all references to the directive were stripped.

But in a Dec. 15 statement to Inside TSCA, EPA emphasized that officials will continue to work to advance the Trump-era goals of eliminating animal testing while seeking "deeper discussions" with various stakeholders to set "meaningful" deadlines for achieving its goals.

"While the goals/dates in the original work plan may have been intended to spur focus and action, the dates themselves became the primary focus of discussion within the scientific and stakeholder communities as opposed to what actions or path the Agency should take in the near-term. As a result, the goals/dates were removed to shift the focus towards these actions as represented by the objectives, strategies, and deliverables outlined in the document," the statement says.

"We are looking forward to having a deeper discussion with the scientific and stakeholder communities on these actions, including ideas on setting meaningful milestones to ensure progress on NAMs," it adds.

Bob Sussman, a top former EPA official who now serves as counsel to multiple environmental and public health groups, welcomes the agency's decision to remove Wheeler's targets from the work plan, calling them "unrealistic and unscientific."

But while he says he is "glad that the Wheeler directive was downplayed," he also expresses concern because he believes "the Biden EPA is still paralyzed on the role of animal testing and that there's a real risk that animal testing requirements will remain very limited because there's a large contingent in [EPA's chemicals and research offices] that want to phase out animal studies and elevate NAMs," he tells Inside TSCA.

"I think this is very dangerous thinking and, if not checked, will do immense damage to identification and management of chemical risks. But I also don't see a strong advocate for animal studies within EPA and believe that status quo will not change unless" an ongoing National Academy of Sciences (NAS) study on the issue "sends a strong message to EPA on the limitations of NAMs."

At issue is former Administrator Andrew Wheeler's 2019 directive that committed the agency to reduce its requests for, and funding of, mammal studies by 30 percent by 2025 and eliminate all mammal study requests and funding by 2035, with any requests or funding after 2035 requiring approval from the administrator.

Wheeler said EPA "will come as close as possible to excluding from its approval processes any reliance on mammal studies conducted after January 1, 2035, including those performed by third parties, subject to applicable legal requirements."

Outspoken Opposition

But EPA in its Dec. 2 work plan, dropped all references to Wheeler's target dates, signaling its retreat from what environmentalists and some experts said was an unrealistic goal.

Where the original June 2020 work plan opens with a summary of Wheeler's September 2019 directive, the 2021 version cuts that language entirely and replaces it with a general statement of support for a shift away from animal tests and toward NAMs. The updated document no longer contains any references to 2025 and 2035 as targets for that transition. Instead, the document lays out a series of steps that the agency intends to take to advance the use of NAMs and reduce animal testing that run through 2024 -- and no further.

While EPA would not comment at the time, it is now confirming that it has formally dropped the targets while emphasizing that officials will continue to seek ways to reduce animal testing and advance NAMs' use.

"EPA will proactively continue to reduce the use of animals to test and evaluate chemicals by supporting the development of new scientific methods. The development of n

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Environmental groups call on EPA to take stronger action on reports of falsified chemical safety assessments
Zack Budryk, The Hill
https://thehill.com/policy/energy-environment/585916-environmental-groups-call-on-epa-to-take-stronger-action-on-reports

Six environmental organizations on Tuesday called on the Environmental Protection Agency (EPA) to take more aggressive action in response to reports that an agency office manipulated assessments of chemical safety.

The allegations, first reported in July by The Intercept, originated from four whistleblowers in the EPA's Office of Pollution Prevention and Toxics (OPPT). The scientists alleged managers have rubber-stamped industry's submissions for new chemicals, called pre-manufacture notices (PMNs), despite internal warnings of high toxicity for many of the submissions.

Since then, the EPA has announced two internal advisory councils and new senior-level advisory position in the office, but the organizations warned this would not properly address the issue. Signers of the letter called on the EPA to take further actions, including public condemnation of the alleged conduct, allowing public airing of scientific disputes without reprisals and an end to the practice of exclusively sharing draft assessments with submitters.

"We urge that EPA staff be sent a clear message that the alleged actions will no longer be tolerated, that scientific misconduct in the PMN program will no longer be rewarded and that the overriding goal of PMN reviews will be public health and environmental protection, not rapid approval of new chemicals in order to placate industry submitters," they wrote.

Signers of the letter include the Environmental Defense Fund, the Center for Environmental Health and the Natural Resources Defense Council.

Overnight Energy & Environment — Biden releases lead plan
EPA directing $1 billion in infrastructure money to Superfund sites
The allegations date back to at least 2019, but disclosures relating to them are ongoing, according to Kyla Bennett, director of science policy at Public Employees for Environmental Responsibility, a whistleblower protection organization representing the scientists. "We had hoped that under the Biden administration they would take this seriously and make some immediate changes," Bennett told The Hill.

Bennett added that she was pleased with the ongoing investigation by the EPA's Office of Inspector General and "optimistic" they would recommend meaningful actions.

However, she said, "I'm really disheartened by the Biden administration and by the EPA … Our clients are exhausted, they're trying to do their jobs."

Flame retardants form potentially toxic derivatives in city air
Mark Peplow, Chemical & Engineering News
https://cen.acs.org/environment/atmospheric-chemistry/Flame-retardants-form-potentially-toxic/99/i45

Flame-retardant chemicals found in city air around the world can transform into a soup of derivatives that are predicted to be more toxic and more persistent than their parent compounds.

That's the conclusion from a study of organophosphate ester flame retardants (OPFRs) that relies on a new

framework for assessing the risks of commercial chemicals (Nature 2021, DOI: 10.1038/s41586-021-04134-6). This three-step framework—which combines laboratory studies, environmental screening, and computer modeling—could help regulators to uncover hidden risks from other groups of mass-produced chemicals.

Such molecules are rarely inert in the environment. Through reactions with light, oxygen, and myriad other pathways, a commercial chemical can spawn a range of transformation products that may have very different properties than their parent. Yet these transformation products are rarely factored into the risk assessments that underpin chemicals regulation programs such as the US Toxic Substances Control Act (TSCA), often because so little is known about the derivatives. "If they have that information, many programs will hopefully take that into account when determining how to assess the risk of the original parent chemical," says John Liggio of Environment and Climate Change Canada, who co-led the new study.

One of the organophosphate flame retardants whose breakdown products were identified in air samples from cities worldwide.
The three-step framework he and his colleagues developed aims to plug this data gap. First, the researchers use a flow reactor to generate photooxidation products from a commercial chemical. They then identify and quantify those derivatives with high-resolution mass spectrometry. This spectrum serves as a fingerprint to help identify the transformation products in real-world air samples. Finally, the researchers feed all these data into well-established computational models that predict the environmental risks of each compound. "I think the novelty here is to combine these different approaches," says environmental chemist Marta Venier of Indiana University, who was not involved in the new research. "It's a very smart idea."

Liggio's team applied this framework to study nine OPFRs used in products such as upholstered furniture. OPFRs have become popular replacements for polybrominated diphenyl ethers (PBDEs), which have largely been phased out due to health concerns. But evidence from in vivo, in vitro, and epidemiological studies suggests that some OPFRs may be carcinogenic or neurotoxic, while environmental surveys have found them to be as ubiquitous as the PBDEs they supplanted (Environ. Sci. Technol. Lett. 2019, DOI: 10.1021/acs.estlett.9b00582).

The researchers' flow reactor experiments showed that the OPFRs could form 186 photooxidation products. When they looked for these compounds in air samples from 18 cities around the world, they identified 10 key transformation products that appeared in every single sample—likely representing the tip of the iceberg, they say.

Computational modeling predicted that the transformation products of chlorinated OPFRs were on average 2.5 times more persistent in the environment than their parents. Depending on the parent molecule, between 24% and 89% of each OPFR's transformation products were predicted to be more toxic than their progenitor. "I'm not that surprised, unfortunately," Venier says. "The fact that [OPFRs] degrade into chemicals that are potentially even more toxic—it's concerning."

Over many years, such transformation products may contribute to a wider health burden posed by hundreds of other airborne molecules, Venier says. "You have to think about it in the long term, and the fact that we are exposed continuously," she says. "This is only a very small part of the puzzle—when you add it all up, you're really living in a chemical soup."

Air from London and New York contained the...

California to list PFNA under Prop 65
Julia Johns, Chemical Watch
https://chemicalwatch.com/393682/california-to-list-pfna-under-prop-65

An advisory committee to California's Office of Environmental Health Hazard Assessment (Oehha) has voted to list the per- and polyfluoroalkyl substance (PFAS) PFNA as a reproductive toxicant under Proposition 65. However, it chose not to add another PFAS associated with the same health concern, perfluorodecanoic acid (PFDA), to the warning scheme.

The state's Developmental and Reproductive Toxicant Identification Committee (Dartic) made the decisions on 14 December, in a meeting focused on the link between male reproductive toxicity and perfluorononanoic acid (PFNA), perfluorodecanoic acid (PFDA) and their salts.

Oehha said the PFNA listing – which will require on-product and online warnings for items that could expose people to the compound above safe harbour thresholds – indicates that the compound "has been clearly shown through scientifically valid testing, according to generally accepted principles, to cause reproductive toxicity".

Agency spokesperson Julian Leichty told Chemical Watch the addition "will occur in the coming weeks", and the warning mandate will enter into force one year after.

Dartic voted not to list PFDA as a reproductive toxicant, with five noes and three abstentions, because it had "insufficient evidence for a 'clearly shown' finding", he said. Such a conclusion "is not unusual", he noted, and the agency "has the option to bring the chemical back to the committee in the future if additional scientific information becomes available".

The substance is on the REACH candidate list and has a mandatory hazard classification under the CLP as a group 1B reproductive toxicant.

The US EPA's Integrated Risk Information System (IRIS) programme, meanwhile, is developing toxicity values for PFNA and PFDA and determining possible health effects, with draft assessments due in 2022.

Individual versus class-based treatment

The Natural Resources Defense Council (NRDC) and Clean Water Action had voiced support for listing PFNA, PFDA and their salts and precursors under Prop 65. According to the NGOs, precursors also pose "a serious public health threat due to their widespread occurrence, persistence, mobility and potential to cause health harms".

Andria Ventura, California legislative and policy director at Clean Water Action, told Chemical Watch: "We found the evidence that Oehha presented as compelling enough to warrant both listings, so were disappointed that PFDA was not approved by Dartic." Demonstrating "a good potential" for reproductive toxicity should be adequate for approval, she said.

Ms Ventura called for combining PFASs in health assessments because "those of similar structure will have similar impacts", and "the one-by-one approach is going to leave both humans and the environment perennially exposed to this group of chemicals".

But the American Chemistry Council (ACC) said it is "encouraged that Dartic considered the available information for the two chemistries separately". The trade association told Chemical Watch this aligns with the strategy followed in the EPA's PFAS roadmap.

"We hope this science-based approach will serve as an example to other states that may be considering broad-brush, one-size-fits-all PFAS regulations," the organisation added.

California recently decided to place another PFAS, perfluorooctane sulfonic acid (PFOS), on Prop 65's carcinogens list. PFOS and perfluorooctanoic acid (PFOA) have been listed as reproductive toxicants since

2017.

This article was updated on 17 December to explain Dartic's decision regarding PFDA.

ATSDR Well Water Study Urges Limits On Exposure To PFAS In Products
Diana DiGangi, Inside TSCA
https://insideepa.com/tsca-news/atsdr-well-water-study-urges-limits-exposure-pfas-products

A federal health agency is urging some New Hampshire residents to limit their exposures to products containing per- and polyfluoroalkyl substances (PFAS) and other "background" sources as a way to limit adverse effects from ongoing environmental exposures, underscoring state and federal efforts to bar intentional additional of PFAS to a range of products.

In a report released Dec. 15, the Agency for Toxic Substances and Disease Registry (ATSDR), part of the Department of Health and Human Services, concludes that residents of southern New Hampshire, who were exposed for years to PFAS contamination in their well water, should limit future exposures to background sources of PFAS.

"Residents should reduce exposure from background sources of PFAS by avoiding or limiting the use of products containing PFAS," states the public comment version of the report. "Examples of products that may contain PFAS include food packing materials, stain resistant carpets, water resistant clothing, cleaning products, and some cosmetics."

Sen. Jeanne Shaheen (D-NH), who has been an advocate for PFAS legislation in Congress, said that the report "provides important health information and recommendations for New Hampshire families living in the Southern part of the state."

"I urge those who may be impacted to take the opportunity to review the findings and submit comments and questions to ATSDR," Shaheen added in a Dec. 15 press release.

Such warnings are just the latest indication of concern about health risks from overall human exposures to PFAS from both environmental sources and products.

For example, environmentalists said earlier this month that EPA's proposed conservative risk values for two key PFAS could prompt officials to adopt an approach that assumes no level of exposure is safe for humans -- teeing up rules that could mirror policies for lead and carcinogens like asbestos under TSCA and other programs.

White House officials also recently issued guidance to federal agencies -- as part of an effort to implement President Joe Biden's recently issued executive order on sustainability -- directing federal agencies to find substitutes for products containing PFAS when making purchases and to specifically avoid certain items containing PFAS, thought the measure fell short of broader procurement limits some in Congress have sought.

Health Consultation

ATSDR's health consultation analyzed PFAS in private wells near the Saint Gobain Performance Plastics Site in New Hampshire. It was completed in response to a request from the New Hampshire Department of Environmental Services (NH DES) and the New Hampshire Department of Health and Human Services (NH DHHS).

The study, which is open for public comment until March 1, 2022, identified 2,745 private wells in the New Hampshire towns of Merrimack, Litchfield, Londonderry, Bedford and Manchester as having been contaminated.

"Since 2016, bottled water has been provided to residents whose private wells were affected by PFAS," the report states. "More than 750 private wells in the area have been switched to treated public water or equipped with point-of-entry treatment systems which are regularly tested for treatment effectiveness."

Harmful exposures to PFAS from private wells have been "minimized by providing alternate water and taking other actions," the ATSDR says, but "people who continue to drink contaminated, untreated private well water may still have an increased risk for harmful health effects."

Most of the private wells in the five towns were contaminated with PFAS, ATSDR says, with perfluorooctanoic acid (PFOA) "detected most frequently and at the highest concentrations."

EPA recently proposed very low draft risk values for PFOA and perfluorooctane sulfonic acid (PFOS) in drinking water, labeling PFOA as a "likely carcinogen."

Conversely, ATSDR writes that there is "suggestive evidence that both PFOA and PFOS are carcinogenic, but the science on PFOA, PFOS, and other PFAS is too...

EPA Inaction on Pesticide Coated Seed Regulation Draws Lawsuit
Maya Earls, Bloomberg Law
https://news.bloomberglaw.com/environment-and-energy/epa-inaction-on-pesticide-coated-seed-regulation-draws-lawsuit

The EPA must act on a petition to close a loophole that allows seeds coated with pesticides to avoid the Federal Insecticide, Fungicide, and Rodenticide Act's registration and labeling requirements, public safety groups told a California federal court.

The Environmental Protection Agency regulates neonicotinoids, which are a type of insecticide. However, the EPA doesn't regulate neonicotinoid-coated seeds, according to the complaint filed in the U.S. District Court for the Northern District of California.

The agency has a "de facto policy" of treating the seeds as exempt from FIFRA's requirements. But the "Treated Article" exemption used doesn't apply, the lawsuit says. Coated seeds are treated to protect the growing plant and not the seed itself, so they can't be exempted as "treated articles," the Center for Food Safety and Pesticide Action Network North America told the court Tuesday.

The Center for Food Safety filed a rulemaking petition in 2017 that urged the EPA to either amend the exemption to clarify it doesn't apply to coated seeds or formally state that the exemption doesn't apply. The agency has failed to respond in the nearly five years that passed, the lawsuit says.

The EPA's failure to act risks environmental harm, the lawsuit says. Pesticide coatings contaminate the air and soil, and the coated seeds cause mass die-offs of honey bees and wild native bees, the lawsuit says. The seeds also kill or injure insects and birds protected under the Endangered Species Act, according to the complaint.

"Because EPA has not yet acted on coated seeds, the environmental damage caused by coated seeds has likely compounded, endangering human health and hastening the insect apocalypse," the lawsuit says.

Cause of Action: Administrative Procedure Act.

Relief: Declaratory relief; an order to respond to the petition by a certain date; attorneys' fees and costs.

Response: The EPA hasn't immediately responded to a request for comment.

Attorneys: The Center for Food Safety represents the public safety groups.

The case is Ctr. for Food Safety v. EPA, N.D. Cal., No. 3:21-cv-09640, 12/14/21.

Replacing glyphosate in the garden won't be easy
Matt Blois, Chemical & Engineering News
https://cen.acs.org/environment/pesticides/Replacing-glyphosate-garden-wont-easy/99/i45

The city of Davis, California, started phasing out the use of glyphosate-based herbicides in public spaces in the fall of 2017. The public works department warned residents that the change might mean more weeds, but complaints still rolled in.

City Council member Dan Carson put it bluntly at a public meeting in 2020 when he complained about the medians on city roads: "It looked horrible," he said. "It looked absolutely horrible."

Davis decided to stop using glyphosate, one of the world's most widely used herbicides, over concerns that it could be harmful to human health. Instead, workers pull weeds, suffocate them under plastic sheets, steam them with hot water, or burn them with torches. Those methods are more work, adding $400,000 to the city's annual budget.

IN THE GARDEN
Glyphosate was the second-most-common herbicide for home gardeners in 2012, according to EPA data.

2,4-D: 7–9 million lb (3–4 million kg)
Glyphosate: 4–6 million lb (2–3 million kg)
Mecoprop: 2–4 million lb (0.9–2 million kg)
Pendimethalin: 2–4 million lb (0.9–2 million kg)
Dicamba: 1–3 million lb (0.5–1 million kg)
MCPA: 1–3 million lb (0.5–1 million kg)

Gardeners in the US will soon face a similar challenge. Earlier this year, Bayer announced it would remove glyphosate from lawn and garden versions of its popular weed killer Roundup in the US by 2023. The company plans to create several new Roundup formulations with other, existing active ingredients. Bayer hasn't announced what will replace glyphosate, but it will be difficult to find other chemicals that match glyphosate's weed-killing firepower while maintaining its relatively low environmental and human health risks.

Bayer acquired the Missouri-based crop science company Monsanto in 2018 for $66 billion. That gave Bayer the Roundup brand but also a heap of legal liabilities. By the beginning of 2020, the company was facing about 125,000 court cases claiming Roundup caused cancer or other injuries. In June 2020, Bayer announced it would settle a large chunk of those lawsuits for nearly $10 billion.

During a conference call in July, Bayer CEO Werner Baumann emphasized that the company decided to move away from glyphosate exclusively to avoid further litigation, not because of any concern about safety.

Idoubt it's going to have the overall utility that glyphosate has.
Steve Duke, weed scientist, University of Mississippi
Bayer will continue using glyphosate in its agricultural products. More than 90% of the glyphosate lawsuits come from home gardeners, though sales of agricultural products dwarf lawn and garden sales.

Bayer's plan for dealing with the lawsuits stresses that regulatory agencies in Australia, Canada, Europe, Japan, the US, and other countries have all concluded that glyphosate is safe to use and unlikely to cause cancer. The only outlier is the International Agency for Research on Cancer, part of the World Health Organization, which warned in 2015 that glyphosate likely poses a cancer risk.

Bayer will choose active ingredients for the lawn and garden market that kill a broad spectrum of plants, "consistent with the expectations of our customers," the company said in a statement.

Related: New weed control tool comes with an asterisk

No matter what the active ingredients are, the company will keep using the Roundup brand name. Glyphosate is long off patent, and other companies make glyphosate-based herbicides for the lawn and garden market. Baumann said on the call that the company doesn't expect the brand to lose any traction after the switch. Bayer didn't answer specific questions for this story and did not make anyone available for an interview.

SCROLL TO CONTINUE WITH CONTENT
While Bayer remains tight lipped about possible alternatives, there are a few clues. Austria and Belgium have already banned the use...

Minnesota Seeks to Add State-Specific Dicamba Pesticide Regulations
Dan Nosowitz, Modern Farmer
https://modernfarmer.com/2021/12/minnesota-seeks-to-add-state-specific-dicamba-pesticide-regulations/

Instances of damage caused by airborne spreading of the pesticide dicamba onto neighboring, unprotected land ("dicamba drift") were so numerous in Minnesota that the state has been unable to process all of the complaint samples. That's likely one factor that led to this week's news, that the state is attempting to institute more restrictive dicamba regulations than the national average, a first for a state government.

Dicamba drift has been a disastrous event for the makers and sellers of the pesticide. It has resulted in dozens of lawsuits, periodic banning, frantic work on new formulations and some makers even dropping out of selling the pesticide altogether. In 2020, the EPA decided that the new formulations and instructions on dicamba application were safe enough to approve the pesticide for five more years. Despite that, lawsuits immediately followed with accusers calling the re-approval "rushed" and incomplete.

The EPA, reported Emily Unglesbee of DTN Progressive Farmer, is concerned about the continued opposition to dicamba and the ecological issues at the core of that opposition. It is mulling over the idea of creating new, more restrictive rules for the pesticide's use. But as the EPA refrains from taking action right now, the Minnesota Department of Agriculture has stepped in to fill that void.

The MDA announced its proposal for new dicamba use rules that would be, in a first, more restrictive than the EPA's current rules. The changes are quite specific: two new cut-off dates for the spraying of dicamba, depending on whether the farm lies north or south of Interstate 94, which travels in a roughly diagonal line through the center of the state. For growers south of I-94, the cut-off date would be weeks earlier than the federal one. And for those to the north, it would either be identical or a full month earlier, depending on the

crop.

The other change would be a temperature restriction, in which dicamba cannot be sprayed at all when the temperature hits at or is above 85 degrees Fahrenheit. Dicamba is generally understood to spread much more widely at high temperatures. Despite this, the EPA's rule has no temperature guidelines at all. Temperatures, especially in southern Minnesota, average in the low-80s through the heat of the summer, with those above 85 not uncommon.

For those changes to go through, the EPA and, for some reason, the makers of dicamba would have to agree to them. From the sound of Unglebee's reporting, EPA approval seems fairly likely, but the pesticide makers, like BASF, may or may not be willing to make those changes.

EPA Sued Over Seed Treatments
Emily Unglesbee, Progressive Farmer
https://www.dtnpf.com/agriculture/web/ag/crops/article/2021/12/15/environmental-groups-sue-epa-lack

ROCKVILLE, Md. (DTN) -- EPA has not yet responded to a 2017 petition by environmental groups, demanding the agency fully regulate pesticide-treated seed.

Now, in a lawsuit filed Dec. 15, those groups are asking a federal court to order the agency to act.

At issue is a 2017 rule-making petition filed by the Center for Food Safety, which argued that EPA should regulate pesticide-treated seeds as pesticides. Currently, EPA says this kind of pesticide use falls under its "Treated Article exemption," and exempts treated seed from full regulation. The agency initiated a public comment period on the petition back in 2018, which garnered over 16,000 comments, but has since stalled on it.

In June 2021, in response to a DTN story on the lack of regulation and environmental costs of seed treatments, EPA stated that the agency was "working on a response" to the 2017 petition, but no action has been taken yet.

That constitutes an "unlawful delay," the plaintiffs of this new lawsuit wrote in their complaint, now in front of the U.S. District Court for the Northern District of California.

In the complaint, the plaintiffs -- the Center for Food Safety and the Pesticide Action Network -- allege that EPA's refusal to act on their petition has allowed "irreparable environmental harms" from treated seed to continue, including a recent environmental crisis in Mead, Nebraska, after an ethanol plant mishandled discard treated corn seed and its ethanol byproducts and wastewater. (See more on that from DTN here: .)

The plaintiffs also note that EPA has never formally codified its decision to exempt pesticide-treated seed, which allowed it to dodge a past lawsuit filed by the same plaintiffs back in 2016. Instead, EPA's continued exemption of treated seeds relies on a 2013 guidance document on investigating pesticide-related bee deaths.

In the interim, seed treatment use has increased significantly, with treated seed planted on roughly 180 million crop acres each year. Since the neonicotinoid insecticides coated on the seed are water-soluble and can slough off the seed, these pesticides have surfaced in mammals, birds, insects and many waterways, as well as human urine, the plaintiffs note in their lawsuit. (See more from DTN on the growing concerns over these environmental exposures from treated seed here: .)

In the past, EPA has used the treated articles exemption to exempt other pesticide-coated items, such as lumber or shower curtains, from full regulation.

But seed treatments include systemic pesticides that are taken up into plant tissue and are thus marketed as protecting both the seed and the growing young plant from insects and disease -- a fact that the plaintiffs in the lawsuit have seized upon.

"Because the coated seeds are not treated primarily to protect the seed itself, but rather to protect the growing plant, they cannot be properly exempted as 'treated articles' under the regulation," the lawsuit reads. "As a result, EPA has completely failed to assess the risks of these unregulated pesticides. It has also never provided the public with any justification for its exemption or codified that practice in its regulations."

The plaintiffs ask the court to order EPA to respond to the 2017 petition within 90 days.

At the time of publication, EPA had not yet responded to DTN's inquiries on this lawsuit.

See the lawsuit...

Lawsuit against EPA over pesticide-coated seeds cites honeybee die-offs
Sebastien Malo, Reuters
https://www.reuters.com/legal/litigation/lawsuit-against-epa-over-pesticide-coated-seeds-cites-honeybee-die-offs-2021-12-15/

(Reuters) - Food safety and environmental advocates are accusing the Environmental Protection Agency of allowing pesticide-coated crop seeds to threaten U.S. honeybee and bird populations in a new lawsuit.

The Center for Food Safety and the Pesticide Action Network North America alleged in San Francisco federal court Tuesday that the EPA failed to register the seeds, widely used by crop farmers, as a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Registration would require the seeds to conform to FIFRA labeling specifications, according to the lawsuit.

Coated seeds are typically treated with neonicotinoids. The class of insecticide disrupts the central nervous system of insects and predators of growing plants.

Farmers use the seeds to grow crops such as corn, soybeans and sunflowers that cover nearly 180 million acres of U.S. farmland each year, the groups' complaint says. That acreage is equivalent to more than one and a half times the size of California, it says.

The plaintiffs say the insecticides remain present as food crops grow and enter the plants' pollen, which bees collect and transport to the beehive. Birds, meanwhile, sometimes eat the seeds.

An EPA spokesperson declined to comment because the lawsuit is pending.

The Center for Food Safety and the American Beekeeping Federation petitioned the EPA in 2017 to regulate the seeds. But the agency has yet to grant or deny their request even though roughly five years have passed, the complaint says. The "egregious delay" violates the Administrative Procedure Act, it says.

Coated seeds have led to mass die-offs of honeybees, the plaintiffs say. The excessive mortality has worried U.S. farmers who rely on the insects to pollinate some food crops.

In 2018, the European Union restricted the outdoor use of the neonicotinoids on maize, rapeseed and some spring cereals. Canada, meanwhile, imposed restrictions on neonicotinoids to protect bees in 2019.

The case is Center for Food Safety et al v. United States Environmental Protection Agency et al, U.S. District Court for the Northern District of California, No. 3:21-cv-09640.

For Center for Food Safety et al: Sylvia Shih-Yau Wu

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And while you're reading.... Remember to shoot your coworkers a shooting star!

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